

REMARKS

This is in response to the Office Action dated September 30, 2009. With this response, claims 1 and 3 are amended, claims 6-32 are cancelled; and all pending claims 1-5 are presented for reconsideration and favorable action. The Abstract and specification have also been amended.

The Examiner acknowledged that some of the certified copies of the priority documents have been received. As this is a national stage filing, based on a PCT application, it is believed that the Applicant does not file certified copies. Application respectfully requests correction under Priority 35 U.S.C. § 119 as stated in the Office Action Summary.

In the Office Action, the specification and claims were noted because of their language. Those items have been amended and it is believed the objection and rejections may be withdrawn.

In the Office Action, the claims were rejected based upon Elliott (US6003728) either alone or Seelhofer (US2004/0089165) in view of Mollstam (US6098795).

With this amendment independent claim 1 has been clarified to further define the operational member as being coupled to the storage portion. The outer cap is foldable between a first position parallel with the top of the cap and a second position perpendicular with the top of the cap. Movement of the outer cap causes an operation projection of the spouting portion to be urged against the seal plate. This causes the operational member to break the seal plate. The cited references do not show the invention as set forth in independent claim 1 in which an outer cap has a spouting member with an operation projection, where the operation projection is urged against an operation member, and then the operation member breaks a seal plate, and where the operation member is coupled to a storage portion of the cap.

As the independent claim does not include all of the elements in the cited references, it is believed that the rejection may be withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In

addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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